THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.2499 OF 2006

Between:

Smt.K.Siddi Gouramma wife of K.Siddaiah

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….Petitioner

vs.

The District Collector, Ranga Reddy District and another

….Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.2499 OF 2006

ORAL ORDER

The petitioner applied to the 2nd respondent through counsel on 04-02-2006 requesting issuance of a valuation certificate relating to his property bearing No.48-318 in an extent of 80 square yards in Plot No.16/1 in Sy.No.189/14 situated at Ganeshnagarm, Chintal. He wanted the valuation certificate for the purposes of filing a suit for partition against her sister in respect of the said property. The 2nd

respondent refused to issue a valuation certificate on the ground that SY.No.189/14 is a Government land published as such in the A.P. Gazette No.134 dated 10-03-2004 and in view of the orders of the Government in G.O.Ms.No.234, Revenue, dated.09-03-2005, the registration of these properties under the provisions of the Registration Act,1908 is prohibited by virtue of the notification issued in G.O.Ms.No.294 dated.09-03-2005, in exercise of powers under Section 22-A of the Registration Act,1908 as amended by the Registration (A.P. Amendment) Act, 1999. The provisions of Sec.22-A of the Act have been declared unconstitutional by a Division Bench of this Court in the judgment dated.07-12-2005 following the judgment of the Supreme Court in **State of Rajasthan and others Vs. Basant Nahata().**

It is represented by the learned Government Pleader for Revenue that the judgment of the Division Bench of this Court invalidating Sec.-22-A of the Act has however been suspended for a further period of two (2) months to enable the State to prefer its appropriate remedies against the judgment.

Be that as it may. Even if the provisions of Sec.22-A of the Act were to be operational on account of the suspension granted by this Court, what all is prohibited is the registration of the lands in view of the notification of the Government.

What the petitioner seeks is a mere valuation certificate. The valuation certificate in respect of any lands is bound to be issued in view of proviso to Rule.3 of A.P. Court fee and Suit Valuation Rules, 1987. These statutory Rules enjoin that a party filing a suit shall take a certificate in the prescribed form containing the valuation certificate of the immovable property from the local registering Officer and file it along with the suit. This obligation of a litigant constitutes a corresponding obligation on the registering officer to issue a valuation certificate. Sec.22-A of the Act or the notification of the Government issued there under does not in any way relieve the registering officer from the obligation of issuing a valuation certificate. What all is prohibited is a registration of a document which is notified under a notification issued under Sec.22-A of the Act.

For the aforesaid reasons the writ petition is allowed. The 2nd respondent is directed to issue a valuation certificate as per the application of the petitioner, forthwith and in any event within a period of one (1) week from the date of receipt of a copy of this

Order. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

10TH MARCH 2006

*TSNR